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Cross examined—Went with McMullen others up to Jennie Laws' don't know who Marshal Anderson was along; McMullen standing near the drip-stone when the shot fired; West was four or five feet below, and still farther down; West stooped down and picked up something without moving; Marshal Anderson was very talkative—lively like the rest; I read until it was reported that Keller was

[illegible]

Cross examined—Marshal Anderson took Mullen to one side and said "You're going to get Amelia Walker's, Milus West is very much liquor and I believe he's dangerous; take the pistol and defend yourself against West"; are the words as clear as I can remember; Mullen took the pistol; I am sure Anderson told Mullen aside and made these remarks whole crowd was good humored; McMillen Keller seemed particularly friendly; there were hard words.

Anelia asked: "Well, was he killed?"  
"He could whip any son of a b—h who had any  
against him," Geo. Keller spoke up and said  
"I don't know whether or not I am any  
better nor," Don't remember that one of the  
men advised Keller to take the poker, all  
down to the corner of Jefferson; Marshal  
son denied owning the pistol, and it was  
crossed by the sheriff, LaFayette where I  
"I would throw the pistol overboard." Mar-  
son and the whole party were pretty tight,  
drunk; we all drank three or four times as  
much as usual, and I think they were  
but were rather anxious; may have drank  
as a Dutchman kept the house; any very  
poor fellow named McMalles one side and  
him the pistol.

Wm. Cross called—"The object Mr. Craig  
has declared, stated, is to get the jury  
to be sworn by the witness," contests the  
per containing the drinking declaration of Keller.  
Said declaration has been lost or abandoned,  
the defense, said before this could be shown, the  
loss of the paper, or its destruction, must be  
proved by the evidence. The contesting  
Craig, who further remarked that the prosecu-  
tor proposed to prove orally what they  
could not do so by written contents. The  
lost paper could be established by the evi-  
dence. The affidavit of the clerk of the  
court to writing of his loss, was required by  
judge. He said that he did not see the  
before Geo. Keller died; he told me he  
fast falling, and couldn't live long; I observed  
that he was dying, he was dead, and I  
could not recover.

Cross examined—"It was about 11 o'clock

Direct examination resumed—His dying declaration was that he and others were in Rapp's car at the time of the shooting. He said that he saw Mullen raised a pistol, shoot him and see the son of a b—h," he said he saw Miss West get down and pick up the pistol, snup it, and that the thing is no account." Keller said, that was enough to tell me he said me the substantially his statement.

Cross examined—He said in his dying declaration that he "cussed me, abused me, and called me a son of a b—h." He said that he saw b—h was in it I am not positive that he said his declaration that West picked up the pistol

[illegible]

Cross examined—Remember none of the transcendent circumstances: Mr. Price was there, also was others. Keller seemed to have no recollection of them.

Follicaner—Kirkpatrick recalled The witness testified substantially as above as to the contents of the paper. Keller, he said, also stated that he was shot, he exclaimed "Jim, you have got to be a little more specific. You say you were shot—b—, and I'll shoot the head off you."

Jerse Hammond called—Saw Keller the previous day and the day of his death; the expression of his face was one of intense grief.

his death I wrote out his declaration, read him, and he said it was correct. The witness stated what he remembered of the declaration does not differ materially from that which you hear. Witness testified that Keller said McCullen had said: "I'll shoot your wife and son of a b—h."

The testimony for the Commonwealth was then closed, and the judge adjourned the whole day will, no doubt, be occupied in hearing evidence for the defense in this case, and the meat of the counsel.

CONVICTED—SINGULAR INSTRUCTIONS OF A JURY.—In the Franklin Circuit Court Wash Ely was convicted of killing Dan McCurdy and sentenced to the penitentiary for five years.

In noticing the case the Frankfort Younts marks:

Judge Nuttall instructed the jury that if he believed the prisoner was sufficiently drunk at the time the offense was committed as not to be responsible for his conduct, he was not guilty. The substance of the instruction was about this: If it appeared that a man intended to commit crime before he got drunk, and committed it while intoxicated, his drunkenness was no excuse or palliation for his crime, and he was not having determined to perpetrate a crime, became too drunk to know what he was doing, and in this case committed murder, he could be held responsible for his crime. The instruction is altogether too nice—and the instruction in this case not only erroneous and novel, but exceedingly dangerous to the welfare of society.

It is very difficult in the case of a drunkard to distinguish between his intentions of committing a crime while sober, and his intentions of committing the same crime while drunk, and his intention from that from his action; yet, if the Judge's instruction of the law be correct, it is equally

**LOUISIANA SUGAR CROP.**—A correspondent of the New Orleans Picayune, writing from James parish, says:

In a former letter I had estimated the crop 325,000 hds., I now put it down at less than 300,000. The weather is so sweet but I have known them to be so dry. It requires four per cent. more cane to keep the sugar house dry way. St. James will not make as much

last year, even though a fair deduction for the loss of crops was made. The Indians have been planting have begun in the last few days, and the crop of the yield, 700 pounds to the acre, is a good average. In 1950 we obtained from 1,000 pounds at the start. Two months ago crop was 1,000 pounds. In 1951, the crop was 1,000 pounds. I attribute the change to the spring drought which we have had.

INDIAN DEPRECIATIONS.—A letter dated Fort Laramie, Oct. 3d, 1953, says:

The Indians are complaining some depredations on our frontier. There is a man and a woman who killed the other day, about three miles from the knap, several families, having been killed in the knap and Denon counties. The depredations are very considerable on the extreme frontier, especially on the knap. We have made fine crops in Hill country, and in corn. Corn is worth, 50 cents per bushel, and

time for emigration this year. out in 1900











